

**IN THE UNITED STATES COURT OF FEDERAL CLAIMS
BID PROTEST**

BLUE ORIGIN FEDERATION, LLC,

Plaintiff,

V.

THE UNITED STATES,

Defendant,

and

SPACE EXPLORATION
TECHNOLOGIES CORP.,

Proposed Defendant-Intervenor.

Case No. 1:21-cv-01695-RAH
Judge Richard A. Hertling

**UNOPPOSED MOTION TO INTERVENE OF PROPOSED DEFENDANT-
INTERVENOR SPACE EXPLORATION TECHNOLOGIES CORP.**

Pursuant to Rule 24 of the Rules of the United States Court of Federal Claims, Space Exploration Technologies Corp. ("SpaceX") respectfully moves to intervene as of right or permissively in the above-captioned case. SpaceX counsel hereby represents that Plaintiff and Defendant do not oppose this motion. In support of its motion, SpaceX states as follows.

SpaceX is the awardee under the National Aeronautics and Space Administration ("NASA") Broad Agency Announcement No. NNH19ZCQ001K Option A to Appendix H ("Option A BAA") for a demonstration mission for a human landing system ("HLS") for lunar exploration. The record before this Court likely will involve SpaceX proprietary information.

Under RCFC 24(a)(2), SpaceX, as an awardee, may intervene as a matter of right because SpaceX has an interest relating to the subject matter of this action and is "so situated that disposing of the action may as a practical matter impair or impede [SpaceX's] ability to protect its interest..."

RCFC 24(a)(2). Alternatively, this Court should exercise its discretion to permit SpaceX to intervene pursuant to RCFC 24(b) because, assuming the challenges to the award decision are similar to those raised before the Government Accountability Office and in the press, Plaintiff has made allegations regarding SpaceX and SpaceX has rights related to the action. RCFC 24(b)(1)(B). No party to the action is situated to protect SpaceX's interests. Permitting SpaceX to intervene will not cause delay, and will ensure that the Court has a complete and accurate picture of the facts and circumstances surrounding this protest, including the substantial harm that SpaceX will suffer if the Court grants the relief sought by Plaintiff.

WHEREFORE, SpaceX respectfully requests that the Court grant this motion to intervene.

Dated: August 16, 2021

Respectfully submitted,

Of Counsel:

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*Attorney of Record for Space Exploration
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CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of August 2021, I caused a true and correct copy of the foregoing Unopposed Motion to Intervene to be served by electronic delivery on:

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